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Security Council

Sixty-third year

Provisional

5821st meeting

Wednesday, 16 January 2008, 3 p.m.

New York

President:	Mr. Ettalhi	(Libyan Arab Jamahiriya)
Members:	Belgium	Mr. Verbeke
	Burkina Faso	Mr. Kafando
	China	Mr. Wang Guangya
	Costa Rica	Mr. Urbina
	Croatia	Mrs. Mladineo
	France	Mr. Ripert
	Indonesia	Mr. Natalegawa
	Italy	Mr. Spatafora
	Panama	Mr. Arias
	Russian Federation	Mr. Churkin
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Sir John Sawers
	United States of America	Mr. Khalilzad
	Viet Nam	Mr. Le Luong Minh

Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2007/768)

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08-20881 (E)

The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2007/768)

The President (*spoke in Arabic*): I should like to inform the Council that I have received a letter from the representative of Serbia, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

Mr. Boris Tadić, President of the Republic of Serbia, was escorted to a seat at the Council table.

The President (*spoke in Arabic*): On behalf of the Council, I extend a warm welcome to His Excellency Mr. Boris Tadić, President of the Republic of Serbia.

In accordance with the understanding reached in the course of the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules or procedure to Mr. Joachim Rücker, Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo.

It is so decided.

I invite Mr. Rücker to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2007/768, which contains the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo.

I should like to draw the attention of the members of the Council to photocopies of document S/2008/7, which contains a letter dated 4 January 2008 from the Permanent Representative of Serbia to the United Nations.

At this meeting, the Security Council will hear a statement by the His Excellency Mr. Boris Tadić, President of the Republic of Serbia, on whom I now call.

President Tadić (Serbia) (*spoke in Serbian; English text furnished by the delegation*): I would like to thank the Council on behalf of the Republic of Serbia for the opportunity once again to present to it the position of my country on the need to resolve the future status of Kosovo and Metohija through compromise. All participants in that process must approach this problem carefully and with a great degree of responsibility.

In the past two years, the Republic of Serbia has taken part in the negotiations on the future status of its southern province in a constructive way. We have put forward a number of proposals that favour the greatest possible autonomy as the best solution for Kosovo and Metohija. Substantial autonomy has figured in various models as a functioning, sustainable and successful solution. It has been proved that such solutions are in accordance with international law and that they are the only way to arrive at a compromise in conflicts similar to the Kosovo conflict.

It is for that reason that the Belgrade negotiating team has measured its proposals for substantial autonomy against the manner in which China has resolved the question of Hong Kong and Macau and Finland has resolved the status of the Aaland Islands. Subsequent analysis has corroborated arguments maintaining that a solution to the future status of Kosovo and Metohija can be similarly found. I believe that it is in the general interest that we examine all the possibilities and lessons. We can find something new in each example that will help us open the door to a situation on which we will all agree. The history of Europe in the past 50 years is rife with unique examples that demonstrate how sovereignty can be harmonized with self-government.

The fact is that the Serbian negotiating team has invested enormous efforts in reaching a compromise. Unfortunately, the negotiations conducted under the auspices of the international mediating troika failed to yield results. It is also a fact that the Pristina side has refused to talk about the future status of Kosovo, which had been defined as a basic topic for negotiations beforehand, and tried instead, unsuccessfully, to impose negotiations on relations between independent States. That obviously was prevarication vis-à-vis a clearly set goal of the negotiations.

The only argument that the other side put forward was that Slobodan Milosević and his regime were the party guilty for the situation in Kosovo. It also alleged that, because of the mistakes of the former regime, Kosovo deserved independence. Let me therefore remind the Council that Serbia and its people experienced very trying times in the last 10 years of the twentieth century due to the tragic mistakes of the past regime. Sanctions, conflict, killings, poverty, fear and uncertainty were the daily way of life of the citizens of Serbia for more than a decade.

The consequences of a bad and irresponsible policy culminated in the unjust punishment of Serbia during three months of bombing in the spring of 1999. Indeed, citizens were punished while the regime went scot-free. That is, until the people of Serbia threw it out, in October 2000, in defence of their will democratically expressed in elections. Serbia has now been a democratic and peaceful country for eight years and has negotiated hard and offered solutions and compromises. There exists no justifiable reason or legal argument why Serbia and its people should be unjustly punished again because of a flawed policy of a bad regime almost a decade ago.

If the community of European nations was created 50 years ago on the basis of a project to establish lasting peace and solve all problems through agreement, it is necessary that that great civilizational value and principle also take root in the Balkans today. We must make every effort to solve the misunderstandings and conflicts in our part of Europe peacefully and by agreement alone, not by making unilateral moves. Unilateral recognition of Kosovo's independence would no doubt be a precedent. No one has the right to destabilize Serbia and the Balkans through hasty and unilateral decisions, which would also have unforeseeable consequences for other regions fraught with problems related to ethnic separatism. On a number of occasions, we have made clear our position that a solution must be in accordance with international law, that it must be a result of compromise, that it must be acceptable to both sides and that it must bring about long-term peace and prosperity for all of my country's citizens and for the region.

The vision and methods that we have learned from the history of Europe since 1945 make it possible for us to aspire to a future in which we solve problems patiently and by agreement, for the benefit of all. We must bear in mind that the common goal of all the peoples of our region is to find solutions that will prepare us for a future in the European Union.

We therefore believe that additional efforts are needed in order to arrive at a mutually acceptable solution so as to ensure, in accordance with resolution 1244 (1999), substantial and functioning self-government that would guarantee all rights to the Kosovo Albanians. Such a solution is possible and attainable.

The Security Council can count on Serbia's entire willingness to take part in a constructive and responsible manner in resumed negotiations, which could be held in Belgrade, Pristina or anywhere else in the world and in any form that this United Nations body might deem appropriate.

Here, I would like to point out to Council members once again that the Charter of the United Nations guarantees the principle of respect for the sovereignty and territorial integrity of internationally recognized States, and that Serbia is such a State. To deprive a legitimate democracy of an integral part of its territory contrary to its will would constitute a violation of the Charter, would call the world Organization's credibility into question and would undermine the foundations of international law, which support the entire world order.

I believe that all members of the Security Council are aware that resolution 1244 (1999) guarantees the sovereignty and territorial integrity of Serbia. Therefore, I call on the Council to prevent the promotion and adoption of a unilateral measure on the independence of Kosovo. I call on the Council to prevent any violation of resolution 1244 (1999) or of the Charter of the United Nations.

For its part, Serbia respects the Charter, resolution 1244 (1999), the Helsinki Final Act and all other relevant valid international documents. That is telling evidence of our full commitment to participating constructively and responsibly in the continued quest for a stable and mutually acceptable solution.

Serbia will never recognize Kosovo's independence and will preserve its territorial integrity and sovereignty through all democratic means, legal arguments and diplomacy. I thus reaffirm once again that Serbia will not resort to violence or war.

Let me point out that the State institutions of the Republic of Serbia continue to engage in good cooperation with the International Security Force in Kosovo (KFOR). I should like to recall that diplomatic efforts and the cooperation that I have mentioned saved many lives on 17 March 2004, when militant and extremist members of the Albanian community in Kosovo burned 35 churches and monasteries and 800 houses and expelled 5,000 Serbs and other non-Albanians from their homes in only three days. Although we insisted throughout the negotiations that the other negotiating party renounce violence and the threat of force, it failed to do so, in contrast to the Serbian side.

If any violence should break out in Kosovo, and if KFOR should not be able to appropriately react and protect the Serbs, we would be ready to assist and provide protection to the threatened population, with — and I stress this — the agreement of the relevant international institutions and with strict respect for international law.

Let me also say a few words about the report of Mr. Joachim Rücker, Special Representative of the Secretary-General for Kosovo, on the situation with regard to standards implementation. The report does not accurately reflect the real situation. I shall refer only to the most painful issues, such as the security of the Serbian population and the return of internally displaced persons.

The basic human right to freedom of movement is being denied to members of communities in Kosovo and Metohija suffering ethnically motivated discrimination. The fact is that a basic human right, denied only to prisoners in United Nations Member States, is being denied to Serbs in Kosovo and Metohija merely because of their ethnicity.

The process of return is an area in which Kosovo's Provisional Institutions of Self-Government and UNMIK have made no progress. That is the main indication of the failure to build a multi-ethnic society in Kosovo and Metohija. According to data issued by the United Nations High Commissioner for Refugees, eight years after UNMIK's arrival in Kosovo and Metohija, 207,000 persons remain internally displaced in Serbia. In Kosovo and Metohija itself, approximately 22,000 persons have been expelled from their own homes and moved to other places in the province. The right of return is based on the international principle of the protection of basic human rights and fundamental freedoms and on humanitarian norms included in the document entitled "Guiding Principles on Internal Displacement".

Permit me to summarize a few facts that call into question the proclaimed multi-ethnic nature of the current situation in the province. There are 250,000 expelled persons, 207,000 of whom are internally displaced in Serbia and all of whom have been waiting to return to their homes. Members of Serbian and other communities suffering from ethnically motivated discrimination continue to experience human rights violations and restricted freedom of movement. There is constant intimidation of Serbs, including attacks on their property and their cultural and religious heritage.

Here are some other hard facts: as of January 2007, more than 7,000 ethnically motivated attacks had taken place; 581 Serbs and 104 members of other communities experiencing ethnic discrimination have been killed since the arrival of UNMIK and KFOR in 1999; 841 Serbs have been abducted; and 960 persons have been seriously wounded. Nearly 18,000 houses have been destroyed and the same number looted, while 27,000 apartments and houses have been appropriated. Those are some of the facts in a sea of data that speak volumes about the real situation in Kosovo.

A solution to the future status of Kosovo and Metohija must be found by the Security Council, just as this organ must agree to any change in the composition of the civilian and military presences in the province.

The people of Serbia are firmly committed to maintaining the territorial integrity and sovereignty of their country while continuing the process of European integration in order to achieve a better life and

economic prosperity. I therefore call on the Security Council to listen to Serbia's position and to decide to resume the negotiations on the future status of Kosovo and Metohija. We are ready for an immediate resumption of negotiations. Serbia is ready and willing to participate as a partner of the Security Council in the quest for a compromise and sustainable solution that will ensure long-term peace and stability in the Balkans and a better life for all its inhabitants.

Since this Security Council meeting is devoted to the implementation of standards in Kosovo and Metohija, I should like to read out a letter from a girl from Kosovo and Metohija that I received just before this meeting. It accurately reflects the situation of standards implementation in Kosovo and Metohija.

"Mr. President:

"Having been told that you will speak before the Security Council on the situation in Kosovo and Metohija, I am writing this letter to you in total darkness, since there is no electricity once again. I plead with you to read it to the Council, if possible.

"As I write to you, I feel like a leaf in the wind that does not know in which direction it will be blown away. I have no protection at all. Who will protect me? I have no father; he disappeared in 1999.

"I am 15 years old. I was born in Kosovo and Metohija and still live there, though not in the house in which I was born, which was burned to the ground. My childhood differs from that of children in free countries. All children throughout the world have friends; my inseparable friend is fear, which is with me from dawn to dusk.

"That is why I call on you, Mr. President, to transmit this message to the world, because all these childhood fears, afflictions and early wounds remain painful and will not heal. We have been denied the right to a carefree childhood, freedom and happiness. We have been denied the right to the warmth of our family. Let them not deprive us of the right at least to live in our own country.

"I thank you for your attention.

"Sincerely, Slobodanka Tasic"

The President (*spoke in Arabic*): I thank the President of the Republic of Serbia for his statement.

In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to continue our discussion on the subject in a private meeting.

The meeting rose at 3.30 p.m.